

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRYAN A. MILLER,

Defendant.

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8:04CR491

ORDER

This matter is before the Court on the motion of defendant Bryan A. Miller (Miller) for an extension of time in which to file pretrial motions (Filing No. 9). The motion does not comply with NECrimR 12.3 which provides, in part:

Absent good cause shown, a motion for an extension of time to file pretrial motions must be made within the time set for the filing of motions. Motions for extensions of time to file pretrial motions will be granted only upon a showing of good cause. If the defendant is a moving party, the motion for an extension of time to file pretrial motions shall be accompanied by the defendant's affidavit or declaration (see 28 U.S.C. § 1746) stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*;
- (3) With this understanding and knowledge, agrees to the filing of the motion; and
- (4) Waives the right to a speedy trial.

The motion:

- ( ) Is filed out of time without a showing of good cause.
- ( ) Does not contain a showing of good cause for an extension of time;
- ( ✓ ) Is not accompanied by the defendant's affidavit or declaration stating the requirements of (1) ☒ \_\_\_\_, (2) ☒ \_\_\_\_, (3) ☒ \_\_\_\_, or (4) ☒ \_\_\_\_, above.

Accordingly, the motion (Filing No. 9) is held in abeyance and if the deficiencies noted above are not corrected by **July 12, 2005**, the motion will be denied.

**IT IS SO ORDERED.**

DATED this 6th day of July, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge